

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ELLIS WALKER,

Plaintiff,

-against-

9:11-CV-0287 (LEK/RFT)

DEBORAH G. SCHULT, Warden,
FCI Ray Brook; RUSSELL PERDUE,
Warden, FCI Ray Brook; DAVID
SALAMY, Unit Manager, FCI Ray
Brook; SEPANEK, Counselor, FCI Ray
Brook; DAVID PORTER, Associate
Warden, FCI Ray Brook; ANNE
MARY CARTER, Associate Warden,
FCI Ray Brook; STEVEN WAGNER,
Associate Warden, FCI Ray Brook; J.L.
NORWOOD, Regional Director;
HARLEY LAPPIN, Director,
Bureau of Prisons,

Defendants.

DECISION and ORDER

This matter comes before the Court following a Report-Recommendation filed on January 20, 2012, by the Honorable Randolph F. Treece, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Dkt. No. 30 (“Report-Rec.”). After fourteen days from the service thereof, the Clerk has sent the entire file to the undersigned, including the Objections by Plaintiff Ellis Walker (“Plaintiff”), which were filed on February 27, 2012. Dkt. No. 32 (“Objections”).

The Court is to “make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). Where, however, an objecting “party makes only conclusory or general objections, or simply reiterates his

original arguments, the Court reviews the Report and Recommendation only for clear error.” Farid v. Bouey, 554 F. Supp. 2d 301, 307 (N.D.N.Y. 2008) (quoting McAllan v. Von Essen, 517 F. Supp. 2d 672, 679 (S.D.N.Y. 2007)) (citations and quotations omitted); see also Brown v. Peters, No. 95-CV-1641, 1997 WL 599355, at *2-3 (N.D.N.Y. Sept. 22, 1997). “A [district] judge . . . may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1).

Judge Treece recommends that Plaintiff’s Complaint be dismissed in its entirety, and Plaintiff has raised a number of objections to this recommendation. Report-Rec; Obj. The Court has considered the objections and undertaken a *de novo* review of the record, and has determined that the Report-Recommendation should be approved and adopted in its entirety for the reasons stated therein.

Accordingly, it is hereby:

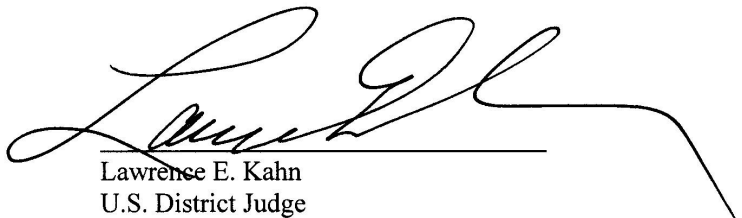
ORDERED, that the Report-Recommendation (Dkt. No. 30) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that Defendants’ Motion to dismiss (Dkt. No. 25) is **GRANTED** and Plaintiff’s Complaint (Dkt. No. 1) is **DISMISSED**; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: March 27, 2012
Albany, New York


Lawrence E. Kahn
U.S. District Judge